

REMARKS

Reconsideration of the application is respectfully requested in view of the following Remarks. Claims 1 - 13 were pending. Claims 2 and 5 have been amended. Claims 1 - 13 are currently pending.

The specification has been amended to correct a typographical error by replacing "cycloheteromethyl" with "cycloheteroalkylmethyl" on page 11, line 23. Support for cycloheteroalkyl methyl is found on page 11, line 14 where R^e and R^f are defined as cycloheteroalkyl-C₁₋₁₀ alkyl.

Claim 2 has been amended to correct a typographical error by replacing "cycloheteromethyl" with "cycloheteroalkylmethyl" in the definition of R^e and R^f. Support for cycloheteroalkyl methyl is found on page 11, line 14 where R^e and R^f are defined as cycloheteroalkyl-C₁₋₁₀ alkyl.

Claim 5 has been amended to correct a typographical error by adding an "l" at the end of "cycloheteroalkyl" in the term "cycloheteroalkyl-methyl-" of substituent (6) in the definition of R⁴.

No new matter has been added by the correction of the typographical errors in the specification.

RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

The Examiner indicated that restriction of Claims 1 - 17 to one of the following inventions is required under 35 USC 121 and 372:

Group I: Claims 1-7 and 13 drawn to compounds and pharmaceutical compositions of formula I wherein Ar₁ and Ar₂ are both phenyl, and R₁ and R₂ together do not form a ring, and R₃ is H.

Group II: Claims 1-7 drawn to compounds and pharmaceutical compositions of formula I, wherein R₁ and R₂ form a six membered ring with 2Ns or a N and an O, and Ar₁ and Ar₂ are both phenyl groups.

Group III: Claims 1-7 drawn to compounds and pharmaceutical compositions of formula

I, wherein Ar1 and Ar2 are other than in groups I or II. A further election of a single disclosed species is required for search purposes. This group may be subject to further restriction.

Group IV: Claims 8-12 drawn to method of treating a disorder, limited to the scope of one of the groups I-III.

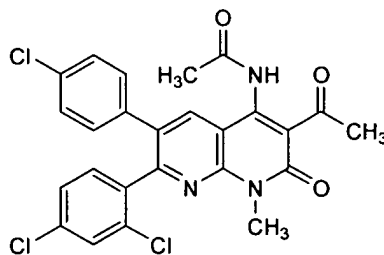
Claims 14-17 are withdrawn as they are drawn to "use" claims which are considered to be non-statutory.

Applicants are required to i) elect an invention of a species or invention to be examined, even though the requirement may be traversed (37 CFR 1.143) and ii) to identify claims encompassing the elected invention.

Applicants hereby elect Group I, Claims 1-7 and 13 drawn to compounds and pharmaceutical compositions of formula I wherein Ar1 and Ar2 are both phenyl, and R1 and R2 together do not form a ring, and R3 is H.

Applicants further request that Group I include compounds in which R3 is C₁-6alkyl. Support for R3 is C₁-6alkyl is found in Example 8 of the specification, in which R3 is methyl.

Applicants are required under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. Applicants hereby elect the compound of Example 1, which is *N*-[3-Acetyl-6-(4-chlorophenyl)-7-(2,4-dichlorophenyl)-1-methyl-2-oxo-1,2-dihydro-1,8-naphthyridin-4-yl]acetamide, on page 51 of the specification as the elected species:



The following claims read on the elected species: 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13.

Serial No.: 10/576,796
Case No.: 21176YP
Page No.: 24

Respectfully submitted,

By

A handwritten signature in black ink, reading "Baerbel R. Brown". The signature is written in a cursive style with a horizontal line underneath the name.

Baerbel R. Brown, Reg. No. 47,449
Attorney for Applicants

March 19, 2009

MERCK & CO., Inc.
P.O. Box 2000
Rahway, NJ 07065-0907
Tel.: (732)594-0672